

**STATE OF LOUISIANA  
DIVISION OF ADMINISTRATIVE LAW  
ETHICS ADJUDICATORY BOARD**

**BOARD OF ETHICS**

**\* DOCKET NO. 2020-5773-ETHICS-A**

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**IN THE MATTER OF**

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**BRANDON PERKINS**

**\* AGENCY TRACKING NO. 5120-055**

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**DECISION AND ORDER**

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, requested a hearing to have the Ethics Adjudicatory Board determine whether Brandon Perkins failed to file his 10-G campaign finance disclosure report by the eleventh day after it was due, in connection with his 2019 candidacy for Police Juror, District 10, Parish of Calcasieu. The Louisiana Board of Ethics proved by clear and convincing evidence that Brandon Perkins failed to file this report as alleged. Pursuant to Louisiana Revised Statute (La. R.S.) 18:1505.4(A)(4)(b), the Louisiana Board of Ethics is authorized to impose an additional civil penalty not to exceed \$10,000 against Brandon Perkins for failing to timely file this report.

**APPEARANCES**

The hearing in this matter was conducted January 29, 2021, in Baton Rouge, Louisiana, before the Ethics Adjudicatory Board, Panel A.<sup>1</sup> Charles E. Reeves Jr., counsel for the Louisiana Board of Ethics, appeared for the hearing. Though properly noticed, Brandon Perkins did not appear for the hearing.<sup>2</sup>

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<sup>1</sup> The panel consisted of administrative law judges Lance B. Vinson (presiding), A. Brock Avery, and Sherlyn D. Shumpert.

<sup>2</sup> The *Conference Report and Order* setting this matter for hearing and Division of Administrative Law correspondence notifying Mr. Perkins of the hearing date and time were mailed to his last known address on October 21, 2020. These documents are parts of the record in this matter; the Board of Ethics included them in BOE Exhibit 11, an exhibit that was admitted into evidence.

## STATEMENT OF THE CASE

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure (BOE), imposed a civil penalty on Brandon Perkins (Respondent) for failing to timely file the campaign finance disclosure report that was due ten days before the general election (10-G report) in connection with his 2019 candidacy for Police Juror, District 10, Parish of Calcasieu. The BOE then requested a hearing to have the Ethics Adjudicatory Board (EAB) determine whether Respondent failed to file his 10-G report by the eleventh day after it was due, which may subject him to an additional civil penalty not to exceed \$10,000, as authorized by La. R.S. 18:1505.4(A)(4)(b).

At the hearing, counsel for the BOE offered and introduced twelve exhibits, which were admitted into evidence.<sup>3</sup> Counsel presented the case on behalf of the BOE, the record was closed, and the matter was submitted for decision.

This adjudication is conducted in accordance with Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, the Campaign Financial Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Administrative Procedure Act, La. R.S. 49:950, *et seq.*, and the enabling legislation of the Division of Administrative Law, La. R.S. 49:991, *et seq.*

## FINDINGS OF FACT

- 1) Respondent qualified as a candidate for Police Juror, District 10, Parish of Calcasieu, in the October 12, 2019, primary election.<sup>4</sup> Respondent received twenty-one percent of the vote in the primary election and did not qualify to participate in the general election.<sup>5</sup>
- 2) When he qualified as a candidate in the October 12, 2019, primary election, Respondent

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<sup>3</sup> All of the exhibits had been certified by affidavit to be true and correct copies of the BOE records. BOE Exhibit 1 (August 11, 2020, affidavit of Carolyn Abadie Landry, Executive Secretary for the BOE).

<sup>4</sup> See BOE-2 and BOE-13.

<sup>5</sup> BOE-3.

acknowledged that he was subject to the provisions of the CFDA.<sup>6</sup>

- 3) Respondent filed the campaign finance disclosure report that was due no later than the thirtieth day prior to the primary election (30-P report); the report shows, in relevant part, that Respondent's campaign had received \$2,050 in contributions, with one contribution exceeding two hundred dollars.<sup>7</sup>
- 4) Respondent was required to file a 10-G report by November 6, 2019, the tenth day prior to the November 16, 2019, general election.<sup>8</sup>
- 5) Respondent did not file his 10-G report by the November 6, 2019, deadline.<sup>9</sup>
- 6) On February 5, 2020, the BOE issued a *Late Fee Assessment Order* to Respondent that (a) assessed late fee of \$1,000 and (b) ordered him to file a 10-G report within twenty days of his receipt of the order.<sup>10</sup> The *Late Fee Assessment Order* was mailed to Respondent by certified mail, return receipt requested, at the address provided on his *Notice of Candidacy*: 2059 Claude Hebert Road, Lake Charles, Louisiana 70615.<sup>11</sup> Respondent was notified in the letter accompanying the *Late Fee Assessment Order* that he could be subject to "an additional \$10,000 penalty" if he failed to file the 10-G report.<sup>12</sup>
- 7) The BOE mailed a copy of the *Request for Hearing* to Respondent by certified mail, return receipt requested, at 2059 Claude Hebert Road, Lake Charles, Louisiana 70615, on June 2, 2020; it was delivered to Respondent on June 20, 2020.<sup>13</sup>

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<sup>6</sup> BOE-2.

<sup>7</sup> BOE-5.

<sup>8</sup> See La. R.S. 18:1495.4(B)(5) and BOE-4.

<sup>9</sup> BOE-8 (Affidavit of Angela Newsom, Director of Campaign Finance for the BOE, stating that, as of January 26, 2020, Respondent had still not filed his 10-G report for the October 12, 2019, primary election). As of the date of the hearing, there was nothing in the record showing that Respondent had filed his 10-G report.

<sup>10</sup> BOE-7.

<sup>11</sup> *Id.* There is no "return receipt" in evidence showing Respondent's receipt of the order.

<sup>12</sup> *Id.* at p. 1.

<sup>13</sup> BOE-6, pp. 16-17.

## CONCLUSIONS OF LAW

Respondent knowingly failed to file his 10-G report by the eleventh day after the report was due. For this failure, the BOE is authorized to impose an additional civil penalty against Respondent as allowed by La. R.S. 18:1505.4(A)(4)(b).

Adjudicatory hearings under La. R.S. 18:1505.4(A)(4)(a)-(b) cover two kinds of campaign finance disclosure reports candidates must file in connection with elections. La. R.S. 18:1505.4(A)(4)(a) addresses reports that candidates must file between the time the candidate qualified for the election and the election day. La. R.S. 18:1505.4(A)(4)(b) addresses “other reports” candidates must file in connection with an election at other times. In either case, the BOE must prove by clear and convincing evidence<sup>14</sup> that the candidate knowingly<sup>15</sup> failed to file a required report within the six-day or eleven-day period following when it was due, respectively.

Respondent was a candidate for Police Juror, District 10, Parish of Calcasieu, which is an “other public office.”<sup>16</sup> Every candidate (or his campaign treasurer) is required to file certain campaign finance disclosure reports by the statutory deadlines.<sup>17</sup> The 10-G is one of these reports.<sup>18</sup> Even though Respondent did not qualify for the general election, he was required to file his 10-G report no later than November 6, 2019, the tenth day prior to the general election. Respondent did not file his 10-G report by deadline or within eleven days after that deadline. Failure to timely submit a required report constitutes a violation of the CFDA.<sup>19</sup>

If, after conducting an adjudicatory hearing, the EAB determines that Respondent

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<sup>14</sup> See La. R.S. 42:1141.5(C). “‘Clear and convincing evidence’, in general, means that the fact of guilt must be proven to a greater degree than by ‘a mere preponderance of the evidence’ but less than by ‘beyond a reasonable doubt.... The standard requires that the existence of the disputed fact be [h]ighly probable, that is, much more probable than its non-existence.’” *Louisiana State Bar Ass’n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

<sup>15</sup> La. R.S. 18:1505.4(A)(1).

<sup>16</sup> See La. R.S. 18:1484(2). Police Juror would not classify as a “district office” or “major office.” See La. R.S. 18:1483(7) and (11), respectively.

<sup>17</sup> See La. R.S. 18:1495.4.

<sup>18</sup> La. R.S. 18:1495.4(B)(5).

<sup>19</sup> La. R.S. 18:1505.1(B).

knowingly failed to file a required campaign finance disclosure report within the applicable time period, then the BOE may impose an additional civil penalty not to exceed \$10,000 against Respondent for each report that he failed to timely file.<sup>20</sup> Failure to file a required report within three days after the final date for filing creates a rebuttable presumption of intent to not file the report.<sup>21</sup> Nothing in evidence rebuts this statutory presumption.

With the benefit of the un rebutted statutory presumption of intent not to file, the BOE proved by clear and convincing evidence that Respondent knowingly violated the CFDA by failing to file his 10-G report by November 17, 2019.<sup>22</sup> As a result, the BOE is authorized to impose an additional civil penalty of up to \$10,000 as authorized by La. R.S. 18:1505.4(A)(4)(b).

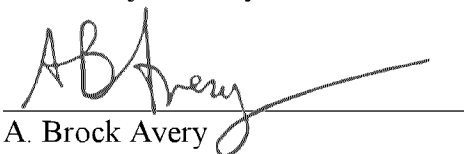
### **ORDER**

**IT IS ORDERED** that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose an additional civil penalty not to exceed \$10,000 against Brandon Perkins for failing to file his 10-G campaign finance disclosure report by the eleventh day after it was due.

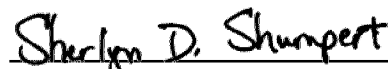
Rendered and signed March 5, 2021, in Baton Rouge, Louisiana.



Lance B. Vinson  
Presiding Administrative Law Judge  
Ethics Adjudicatory Board- Panel A



A. Brock Avery  
Administrative Law Judge  
Ethics Adjudicatory Board- Panel A



Sherlyn D. Shumpert  
Administrative Law Judge  
Ethics Adjudicatory Board- Panel A

#### **NOTICE OF TRANSMISSION OF DECISION OR ORDER**

I certify that on Monday, March 08, 2021, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

<sup>20</sup> La. R.S. 18:1505.4(A)(4).

<sup>21</sup> La. R.S. 18:1505.1(A).

<sup>22</sup> The 10-G report was due November 6, 2019; the third day after November 6, 2019, was November 9, 2019; and the eleventh day after November 6, 2019, was November 17, 2019.

## **REVIEW RIGHTS**

Requests for rehearing, reopening, or reconsideration are subject to the procedures, timing requirements, and legal grounds provided in La. R.S. 49:959, with the time for filing calculated pursuant to Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

**To request rehearing, reopening, or reconsideration, please send it to one of the addresses indicated below:**

**EMAIL documents to:**  
**EABprocessing@adminlaw.state.la.us**

**FAX documents to:**  
**(225) 219-9820**

**MAIL documents to:**  
**DAL – EAB Section**  
**P. O. Box 44033**  
**Baton Rouge, LA 70804-4033**

If you do not request rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 42:1142(A)(1), with the time for requesting judicial review calculated pursuant to La. C.C.P. art 5059. To determine your review rights, you should act promptly and seek legal advice.